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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on minority issues, Rita Izsák, in accordance with General Assembly resolution 68/172.

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Report of the Special Rapporteur on minority issues

Summary

Persons belonging to minorities are frequently the victims of violence and atrocities. Violence can take the form of attacks on individuals, their homes, shops or places of worship, or wider acts of aggression against communities with different national, ethnic or religious identities. In the worst cases, violence constitutes mass atrocities, crimes against humanity, war crimes, ethnic cleansing and even genocide, often perpetrated with impunity. Sometimes violence is committed by non-State actors, including those belonging to the majority, or larger, more powerful groups, extremist groups, or even business actors. Sometimes it is perpetrated by State actors.

A primary objective of the United Nations and most States in the area of peace and stability is to prevent violence before it breaks out. The tragic experiences of past violence and atrocities have helped to better understand the causes of violence and the fact that minorities are frequently targets, and to produce indicators to predict violent incidents and provide early warning. While violence can be difficult to predict, States too often fail to translate clear early warnings into adequate, appropriate and timely measures to prevent or stop violence. In order to save lives and ensure peaceful societies, a high priority of stakeholders at all levels must be to improve prevention mechanisms and turn early warning into early action.

Essential elements of strategies to better prevent and address violence against minorities consist of the adoption of measures to foster unity among different population groups, the comprehensive implementation of minority rights and the establishment or strengthening of institutional and policy frameworks for the protection of minority rights. At the national level, good and inclusive governance, which includes minorities and measures to ensure equality, are key prevention prerequisites. The international community must also improve its ability to engage and assist States in efforts to prevent and resolve violence and to effectively intervene where States fail in their responsibility to protect minorities.

I. Introduction

1. The Human Rights Council, in resolution 25/5, decided to extend the mandate of the current mandate holder on minority issues as a Special Rapporteur on minority issues and requested the Special Rapporteur, inter alia, to promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities. A summary of the recent activities of the Special Rapporteur can be found in her annual report to the Human Rights Council (A/HRC/25/56).

II. Preventing and addressing violence and atrocities against minorities

2. Minorities may experience violence owing to such factors as their numerical size; their non-dominant social, economic and political position; their distinct ethnicity, culture, religion or language; social stigma; and the suspicion and prejudice with which they are often viewed by the majority. Minorities are frequently poorly equipped to defend themselves and their rights and poorly protected against violence by government actors which may not include members of minorities. The legislative and institutional environments are frequently inadequate and do not provide legal and practical protection against attack or the possibility of redress and appropriate penalties.

3. Violence against minorities throughout the world demonstrates that action is required in all regions to protect minorities at risk. In many cases violence is committed with impunity, which can fuel further violence. The present report seeks to identify some of the major causes of violence against minorities and to consider actions that should be taken by States and other actors to prevent and appropriately address violence and to ensure that it does not persist or escalate. The historical and ongoing cases of violence referred to are not exhaustive, yet they demonstrate the wide range of situations in which violence against minorities occurs in different regions and the extent to which challenges remain.

4. The Holocaust was one of the clearest examples of large-scale, mass atrocities committed against minority groups. Jewish communities, Roma and Sinti, Jehovah's Witnesses, homosexuals and others fell victim to Nazi propaganda and systematic genocide. The Rwandan genocide is also a clear example of mass atrocities perpetrated against a minority and one where, despite warnings, the international community failed to act. Around 800,000 Tutsis and moderate Hutus were killed. The International Criminal Tribunal for Rwanda determined that the killings constituted genocide. In 1995, the worst massacre of civilians in Europe since the Second World War took place in Srebrenica, where some 8,000 Muslim men and boys were killed by Bosnian Serb forces. The Secretary-General acknowledged the failure of the international community to prevent what was recognized as genocide (see A/54/549).

5. Many other incidents of targeted violence against minorities have been addressed in reports and statements by United Nations bodies and mechanisms. In 2002, Muslims in Gujarat, India, were targeted following a fire on a train in which 58 Hindus died. In the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions who visited India in 2012, the Government acknowledged over

1,000 deaths in the ensuing communal violence (see A/HRC/23/47/Add.1 and Corr.1). The Special Rapporteur expressed concern over the slow progress of investigations while noting the elaboration of the Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill in 2011.

6. During her 2006 visit to Ethiopia, the former Independent Expert on minority issues was informed that, in December 2003, 424 ethnic Anuak had been killed in Gambella by members of other ethnic groups (A/HRC/4/9/Add.3). Contributing factors included the relocation to the region of highlanders, and a porous border with troubled Southern Sudan. Heavily armed Sudan People's Liberation Army fighters had entered the region and the influx of refugees resulted in conflicts and a breakdown of traditional land-sharing and conflict resolution arrangements. Despite warnings signs, authorities failed to avert the violence. Conflicts over land use continue in the region.

7. Following years of tensions and disputes over land, in 2003 conflict heightened in Darfur, Sudan, between the Government and rebel groups which accused it of oppressing non-Arab black Africans. Government forces and Arab self-defence militias, or Janjaweed, were accused of a systematic campaign to drive non-Arabs out of the region, resulting in up to 300,000 deaths, hundreds of villages destroyed and massive displacement. The United Nations Commission of Inquiry found that the crimes against humanity and war crimes committed in Darfur might be no less serious and heinous than genocide (see S/2005/60).

8. In Colombia, which was visited by the former Independent Expert on minority issues in 2010, Afro-Colombians reported ongoing violence, selective murders, disappearances, threats and communities forced to flee, despite Government claims that the armed conflict had ended. The Special Rapporteur on extrajudicial, summary or arbitrary executions found that indigenous and Afro-Colombian communities had been victimized by all parties to Colombia's conflicts and that, historically, paramilitaries, sometimes in collusion with State forces, had appropriated land and committed massacres to intimidate local populations (A/HRC/14/24/Add.2, para. 76). Resource exploitation, agriculture and mega-projects have created new motivations for violence.

9. Sectarian killings of religious minorities reportedly rose by more than one fifth in Pakistan in 2013. The Human Rights Commission of Pakistan stated that 687 people had been killed in over 200 sectarian attacks, 22 per cent more than in 2012, while 1,319 people had been injured, a 46 per cent rise.[1] In Bangladesh, numerous violent attacks have been targeted at members of the Hindu minority on the basis of their religion, as raised in a press release by several mandate holders in March 2013,[2] and attacks continue to date.

10. Rohingya Muslims in Rakhine State, Myanmar, face discrimination, exclusion and denial of citizenship.[3] Violence between Rohingya and Buddhists in 2012 left hundreds, mostly Rohingya, dead and over 150,000 displaced. The Special

[1] www.southasianmedia.net/stories/south-asia/violence-against-minorities-rose-alarmingly-in-2013-hrcp-story.

[2] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13204&LangID=E.

[3] See the joint statements made by Special Rapporteurs and the Independent Expert on minority issues on 2 April 2007 and 31 October 2012. Available from, respectively, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=7792&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12716&LangID=E.

Rapporteur on the situation of human rights in Myanmar visited in 2014 and stated that community-based, political and religious groups had been conducting, with impunity, well-organized and coordinated campaigns of incitement to discrimination, hostility and violence against Rohingya and other Muslim minorities (A/HRC/25/64, para. 21). He noted the propagation of an agenda to rid Rakhine State of the estimated one million Rohingyas who lived there and concluded that the pattern of widespread and systematic human rights violations in Rakhine State might constitute crimes against humanity (A/HRC/25/64, paras. 45 and 51).

11. In the Central African Republic, armed clashes escalated in 2014, with Christians and Muslims launching reprisal attacks against each other in a country that had rarely before experienced such sectarian violence. In March 2014, the United Nations Special Adviser on the Prevention of Genocide described the abuses as crimes against humanity and stated that Muslims were being deliberately and systematically targeted by the anti-balaka militias and by mobs of civilians in Bangui and in the countryside.[4] He had warned in November 2013 of the risk of genocide.[5]

III. International legal framework

12. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly resolution 47/135, annex) has established that States "shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity" (art. 1, para. 1). Its preamble emphasizes that the promotion and protection of the rights of persons belonging to minorities contribute to the political and social stability of States in which they live and that the constant promotion and realization of their rights as "an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States".

13. In its commentary on the Declaration (see E/CN.4/Sub.2/AC.5/2005/2), the Working Group on Minorities stated that the protection of the existence of minorities included their physical existence, their continued existence on the territories on which they lived and their continued access to the material resources required to continue their existence on those territories, and that they should neither be physically excluded from the territory nor excluded from access to the resources required for their livelihood. The Working Group considered that the right to existence in its physical sense was sustained by the Convention on the Prevention and Punishment of the Crime of Genocide, and that forced population transfers intended to move persons belonging to minorities away from the territory on which they lived, or with that effect, would constitute serious breaches of contemporary international standards, including the Rome Statute of the International Criminal Court.

14. In the Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 A (III), annex), genocide is recognized as an

[4] www.un.org/en/preventgenocide/adviser/pdf/2014-03-12%20Statement%20of%20USG%20Adama%20Dieng%20to%20the%20Security%20%20Council.%20FINAL.pdf.

[5] www.un.org/en/preventgenocide/adviser/pdf/Statement%20by%20Mr.%20Adama%20Dieng,%20United%20Nations%20Special%20Adviser%20on%20the%20Prevention%20of%20Genocide,%20at%20the%20Arria%20Formula%20Meeting%20of%20.pdf.

international crime which entails the national and international responsibility of individual persons and States. According to article II of the Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group.

15. In 2004, the post of Special Adviser on the Prevention of Genocide was established with the principal objective of providing advice on actions to protect vulnerable populations from genocide. The Special Adviser identifies potential threats to populations at an early stage and makes recommendations for the more constructive management of cultural diversity issues. By resolution 60/1, the General Assembly adopted the 2005 World Summit Outcome, in which a principle of prime importance to the protection of minorities is established: the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The responsibility to protect prioritizes diplomatic, humanitarian and other peaceful means before force is contemplated. It recognizes, however, the duty of the international community to intervene to protect populations when their own Governments cannot or lack the will to do so. A Special Adviser on the Responsibility to Protect has been designated to lead the conceptual, political, institutional and operational development of the concept.

IV. Factors that lead to vulnerability of minorities

16. While each situation is unique, there are many factors that can potentially lead to or heighten the vulnerability of minorities to violence. While space precludes a detailed analysis, highlighted below are some of the most frequent and important factors.

A. Exclusion and inequalities

17. Gross inequalities and persistent poverty are frequently elements in the complex social, economic and geopolitical equations which lead to conflict and violence. Disadvantaged minority communities are frequently numerically small, politically and economically non-dominant and marginalized, and among the poorest in society. They are often poorly represented in government posts and law enforcement and justice bodies, so are rarely in a position to influence the decisions that affect them. They may be socially marginalized, inter alia, on the basis of their ethnicity or faith, their national origin and historical association with the country, their language, or perceptions of them as foreign or separatist. Such factors might contribute to an exclusionary ideology and can make minorities vulnerable to violence against which they are poorly equipped to respond.

18. Academic studies[6] point to linkages among a low growth rate, inequality and the higher chance of conflict in developing countries. The likelihood of unrest and

[6] Paul Collier and Anke Hoeffler, "Greed and grievance in civil war", *Oxford Economic Papers*, vol. 56, No. 4 (October 2004), pp. 563-595. Available from www.econ.nyu.edu/user/debraj/Courses/Readings/CollierHoeffler.pdf.

violent conflict is higher where there are significant horizontal inequalities in political or economic status between different ethnic or culturally defined groups.[7] Indicators demonstrate how higher rates of educational attainment can lower the risk of internal conflict. In 2009, of the world's 101 million children out of school, an estimated 50 to 70 per cent were members of minorities or indigenous peoples. It is essential that minorities be integrated and able to benefit from development policies. The Special Rapporteur dedicated her annual report to the Human Rights Council in 2014 (A/HRC/25/56) to the importance of including minorities in the planning, implementation and evaluation of new development goals in the post-2015 development agenda, as a means to reduce inequalities.

B. Deficits of democracy, good governance and rule of law

19. While violence can occur in any country, those in which there is a functioning democracy, good governance and the rule of law are less likely to experience violence against specific communities. Competition for resources and positions are natural in all societies and should pose no threat to any community. However, where democracy, rule of law and governance deficits are coupled with competition over territory, resources and power, where bias politics and favouritism along ethnic or religious lines appear, and where minority rights are denied, violated or neglected, tensions between communities can evolve, threatening peace and stability and sometimes resulting in violence. Strong institutions and independent, efficient law enforcement and judicial bodies, as well as independent national human rights institutions, can act against corruption and exclusion before misuse of power starts to fuel community tensions.

20. The peoples under threat index of Minority Rights Group International is based on known antecedents to mass violence, including indicators of good governance, rule of law, prevailing conflict and previous mass killings. It was found that communities are more at risk in closed States that have poor governance, are prone to conflict and have a record of previous killing. In three quarters of recent conflicts, much of the killing has been targeted by ethnicity or religion. While ethnic diversity in a State is not positively correlated with risk of conflict, risks rise sharply when sociopolitical divisions in society fall along ethnic or religious lines.[8]

21. After her visit to Nigeria in February 2014, the Special Rapporteur on minority issues noted that some of the tensions and conflicts that had erupted in Nigeria's northern states and states in the country's middle belt had been depicted as religious or ethnic conflicts. However, she found that, while the tensions and conflicts had obvious religious and ethnic dimensions, their root causes lay also with other factors, including poor governance, competition for or unequal allocation of resources, land issues, political manipulation of ethnic and religious issues, population movement and migration. She considered that, while enhancing the capacity, training and resources of the security forces in regions where violence had broken out was essential, sustainable solutions to communal violence must also

[7] Frances Stewart, "Crisis prevention: tackling horizontal inequalities", *Oxford Development Studies*, vol. 28, No. 3 (2000), pp. 245-262. Available from www.unicef.org/socialpolicy/files/Crisis_Prevention_Tackling_Horizontal_Inequalities.pdf.

[8] *Peoples under Threat 2011*. Available from www.minorityrights.org/10744/peoples-under-threat/peoples-under-threat-2011.html#downloads.

address long-standing and contentious political, economic and social issues and inequalities that had in many cases been long neglected.[9]

C. Hate speech and stigmatization

22. Hate speech in public spheres, in mainstream and social media and by influential figures, including religious leaders, public officials or political groups, can lead directly or indirectly to violence against minorities. Increasing levels of hate speech can be an important indicator of possible violence. Monitoring hate speech and incitement to violence offers the opportunity to be aware of and respond appropriately to specific security risks. The Rwandan genocide provides clear evidence of the power of hate speech to infect societies, motivating thousands to kill neighbours and former friends. Equally, in the Central African Republic, hate speech is recognized as playing a role in inflaming and fuelling violence and has been described by United Nations officials as a possible precursor to serious human rights violations, including potential genocide.[10]

23. Studies are required to understand how hate speech transforms into acts of hate and violence. Hate speech is a factor in a process which seeks to scapegoat, demonize or, in extreme cases, dehumanize others considered outsiders or different, and to portray them as the cause of societal ills or as a threat. The power of hate speech to turn a nucleus of extremist hatred into a mass movement of violence is well documented and measures to counter its impact are essential. Several countries, including some that have experienced atrocities, such as Bosnia and Herzegovina, have adopted legislation to prosecute hate-motivated crimes and incitement to national, racial or religious hatred. Countries such as Canada and the United States of America have created hate crime units within the police force.

24. Article 20 of the International Covenant on Civil and Political Rights (see General Assembly resolution 2200 A (XXI), annex) states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence[11] represents an important step taken by the international community to assist States in implementing their obligations, and provides guidance on balancing freedom of expression, which is protected under article 19 of the Covenant, with article 20. As recommended in the Plan of Action, States should ensure intercultural dialogue and mechanisms and dialogues to foster intercultural and interreligious understanding and learning. States should also promote human rights education and sensitize law enforcement and security forces.

25. The media can have an important role in fuelling and inciting violence. In Rwanda, media were used to both incite and orchestrate widespread violence against the Tutsi minority. Monitoring of media, conducted by independent media regulatory bodies preferably involving minorities, is important to violence prevention strategies. Such bodies can analyse, in the light of international human

[9] Statement of 28 February 2014. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14293&LangID=E).

[10] www.unmultimedia.org/radio/english/2014/03/hate-speech-in-the-central-african-republic-may-be-precursor-to-genocide/.

[11] www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf.

rights law relating to freedom of expression and prohibition of hate speech, elements and trends present in the media, including online media, which could constitute incitement to violence by means of hate speech. Media monitoring entities should be able to report their findings to relevant authorities in order to prompt an investigation and the initiation of criminal procedures against perpetrators, as appropriate.

26. Hate speech against Roma is widespread in the media and in public political discourse in many European countries. It dangerously labels the entire Roma population as criminal, aggressive or parasites on welfare systems. Roma rarely have access to mainstream media or public positions and seldom have the chance to challenge such stigmatization. The European Union Agency for Fundamental Rights found that one in five Roma reported experiencing racist violence.[12] A tragic manifestation of how hate speech can fuel and turn into hate crimes occurred in Hungary during the period 2008-2009, when brutal attacks against randomly chosen, innocent Roma took the lives of six of them, including a 4-year-old boy. During their trial, the suspects, who were subsequently imprisoned, referred to Gypsy criminality and other expressions used in mainstream media, which they believed justified their actions.

27. On 2 July 2014, the Special Rapporteur on minority issues, along with other United Nations experts, called on Sri Lanka to adopt urgent measures to stop the racial and faith-based hatred and violence directed at Muslim and Christian communities by Buddhist groups with extremist views, and to bring perpetrators to justice.[13] A group known as Bodu Bala Sena (Buddhist Power Force), along with other groups, is promoting extremist views, proclaiming the racial superiority of Sinhala Buddhists and spreading fear among the population by, for example, alleging that statues of Buddha are being bulldozed by religious minorities or that evangelical Christians are forcibly converting vulnerable people. These statements have fuelled tensions and contributed to more than 350 violent attacks against Muslims and over 150 attacks against Christians in the past two years.

28. Media can also contribute to understanding and reconciliation. For example, the Panzagar (flower speech) campaign was launched by activists in 2014 to counter hate speech against Muslims which had become common in the Myanmar media.

D. History of violence with impunity and tensions without reconciliation

29. Other relevant factors which contribute to the outbreak of violence include past and unresolved grievances, a history of ethnic and/or religious tensions between groups without reconciliation, agitation of ethnic or religious components by political leaders, and impunity when perpetrators act without consequences. The Special Rapporteur has noted concern regarding the extent of violence against religious minorities, including in her report to the General Assembly in 2013 (A/68/268) in which she stated that acts of violence and widespread and systematic

[12] European Union Agency for Fundamental Rights, *European Union Minorities and Discrimination Survey, Data in Focus Report 1: The Roma* (2009). Available from http://fra.europa.eu/sites/default/files/fra_uploads/413-EUMIDIS_ROMA_EN.pdf.

[13] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14812&LangID=E.

violations of human rights — sometimes by the State itself — threaten the very existence of religious minorities in some States or territories. The international community should pay particular attention to States in which violence has been targeted against certain population groups with impunity.

30. Caught between warring factions, minorities in Iraq have been the targets of violence for more than a decade. In 2014, the targeting of minorities has continued and intensified under the so-called Islamic State which took control of much of the country. The Special Rapporteur, along with another United Nations expert, issued a press release in July 2014,[14] in which she expressed her grave concern about the physical safety of several minority groups in Iraq, including Christians, Shia, Shabaks, Turkmen and Yazidis, who were being persecuted on the grounds of their religion and ethnicity. She urged the Iraqi Government and the international community to do their utmost to protect vulnerable civilians and minorities.

31. In some cases, violence or the threat of violence against certain stigmatized minority communities is common and almost socially accepted. Despite legislation in India (Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, adopted in 1989) which bans caste-based discrimination, violence against Dalits remains widespread and their access to justice poor. In May 2013, the Special Rapporteur, along with other United Nations experts, noted that caste-based discrimination remained widespread and deeply rooted, that its victims faced violence, structural discrimination, marginalization and systematic exclusion and that the level of impunity was very high.[15]

E. Denial or deprivation of citizenship

32. As highlighted by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the former Independent Expert on minority issues (A/HRC/7/23, para. 20), denial or deprivation of citizenship and statelessness affects some 15 million people in 49 countries, particularly those belonging to minority groups. Statelessness makes minorities highly vulnerable, with weak protection provided by State authorities who do not recognize them as citizens whose rights must be protected by the State. In some cases, States actively desire their expulsion, which may result in a minimal response to violence against them by other actors, or in State-sponsored persecution with the intent of removing an unwanted minority.

33. In October 2012, the Special Rapporteur and other independent United Nations experts expressed deep concern over continuing intercommunal violence in Rakhine State, Myanmar, resulting in killings, destruction of homes and mass displacement of mostly Rohingya Muslims.[16] They called on the Government to urgently address the underlying causes of the conflict between the Buddhist and Muslim communities, which included the denial of citizenship to Rohingya. They stressed that the situation must not become an opportunity to permanently remove an unwelcome community, and expressed deep concern about the assertion of the Government that Rohingya were illegal immigrants and stateless persons.

[14] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14904&LangID=E.
[15] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13352&LangID=E.
[16] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12716&LangID=E.

F. Political or regime change

34. Political or regime change can create a new political and social order and conditions under which minorities may be placed at a heightened risk of violence. The Arab Spring in several countries, while initially hailed as a popular revolution against hard-line, autocratic regimes, in practice created new uncertainties for some minorities and, in some cases, increased hostility and violence against minorities, including minority Muslims and Christians. In September 2013, mandate holders addressed a communication[17] to the Government of Egypt, concerning an upsurge of violence against Christian minorities by supporters of ousted President Mohamed Morsi in locations across Egypt. Some 61 churches had been attacked, vandalized and desecrated. Mobs had attacked Christian schools, businesses and homes, and deaths and injuries had been reported.

35. Some attacks may be opportunistic and take place in the context of wider political or social unrest where the normal functioning of law and order has broken down. Following her visit to Ukraine in April 2014, the Special Rapporteur highlighted an escalation of attacks against Roma in the context of ongoing unrest in the eastern and southern regions.[18] In one incident, over 20 men in Slavyansk had entered Roma houses and beaten Roma, demanding money and valuables. Some Roma had been injured and others had reportedly left the region in fear of attack.

36. Where a minority has historically been dominant and has exercised political and socioeconomic or military power over a more numerous majority and is then usurped, there may be a risk of retaliatory violence against that minority following regime change.

G. Multiple or intersectional discrimination

37. Multiple or intersectional discrimination may increase vulnerability to violence. Minority women and girls are particularly affected by violence, targeted for rape and other forms of sexual violence, torture and killings because of their ethnic or religious identity and their gender. In 2011, the Forum on Minority Issues focused on the rights of minority women and girls and, in its recommendations,[19] highlighted the need for peacekeeping operations and national security forces in regions affected by conflict to pay particular attention to minority women and girls, including through training of staff and police and military personnel on the needs and vulnerability of minority women and girls. Minority women should be included in processes of conflict settlement and post-conflict reconstruction.

38. In conflicts in Afghanistan, Colombia, the Democratic Republic of the Congo, Guatemala, Iraq, Kyrgyzstan, Myanmar, Somalia, Sri Lanka and the Sudan, minority women have suffered systematic sexual and other violence. Violence against minority women does not always take place in the context of conflict. Women affected by caste-based discrimination in several countries experience high levels of violence owing to their low caste status and gender, and face killing, rape, gang rape and custodial torture.

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[17] https://spdb.ohchr.org/hrdb/24th/public_-_UA_Egypt_02.09.13_(12.2013).pdf.

[18] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14518&LangID=E.

[19] See United Nations, *Forum on Minority Issues: Compilation of Recommendations of the First Four Sessions 2008 to 2011*, chap. IV. Available from www.ohchr.org/Documents/HRBodies/HRCouncil/MinorityIssues/Forum_On_Minority_Pub_en_low.pdf.

H. Harmful actions of non-State actors

39. The responsibility of Governments for the protection of human rights and prevention of violence extends to regulating the activities of non-State actors. Enterprises and business actors have been involved in violence affecting minorities, for example, against minority groups which occupy lands or territories that are of value for agricultural development, natural resource exploitation or national development projects. Minorities have often found themselves the victims of intimidation and violence by actors wishing to take control of those lands and resources. In some cases, national and/or international businesses instigate violence against minority communities with the complicity or agreement of the Government: for example, to gain access to the land or resources located where minority communities live.

40. In Cameroon, visited by the Special Rapporteur in September 2013, an estimated 300 Mbororo pastoralists were made homeless and evicted from their ancestral lands in early April 2014 in the locality of Bamenda, when the Catholic University claimed ownership of their land for the construction of a University building. The Special Rapporteurs on minority issues and on the rights of indigenous peoples urged the authorities and the Catholic University to review their actions and their impact on this community and to seek a settlement.[20]

41. On 26 March 2014, Special Rapporteurs issued a press statement[21] when the local government of Da Nang, Viet Nam, decided to expropriate the land used by Con Dau village for housing and agriculture, which appeared to be a clear case of land grabbing for the benefit of private entrepreneurs. Con Dau was built by many generations of residents who had shaped their culture through the cultivation of rice and church activities. The parish cemetery, a national cultural heritage site, has been demolished and removed to a remote area.

42. Persons belonging to minorities have the right to participate in decisions concerning them or their region. States are the primary duty bearers with territorial jurisdiction, including over such third parties as business enterprises, as reflected in the Guiding Principles on Business and Human Rights.[22] Among the measures adopted to prevent violence against minorities when business actors are involved, it is essential to legally regulate and closely monitor business activities and to institutionalize channels for consultation among affected communities, Government and enterprises at all stages of operational activity. Minorities must be able to raise their issues and concerns about the impact of business and development activity on communities. The principle of free, prior and informed consent should be applied to minorities and their lands and territories.

43. States must fully investigate incidents of violence and, where business actors prove to be instigators or perpetrators, impose appropriate sanctions in accordance with the law, including the termination of contracts and criminal prosecution. Victims must be adequately and swiftly compensated. As stated by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/17/32, para. 5),

[20] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14496&LangID=E.

[21] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14438&LangID=E.

[22] United Nations, *Guiding Principles on Business and Human Rights* (HR/PUB/11/04). Available from www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

conflict-affected areas are commonly where the most egregious business-related human rights abuses take place.

44. Violence against minorities may be committed by extremist, terrorist, far-right or radical ethnic or religious actors who constitute armed groups or insurgents. Such violence may be targeted against specific minorities, as is the case with the Islamic State in Iraq which has targeted religious minorities in areas under its control, or may target and impact diverse communities, as is the case with the violence by Boko Haram in northern regions of Nigeria. The activities of such groups may also serve to destabilize societies in general and create and deepen divisions between population groups. Measures to confront such illegal and violent actors are vital to maintaining inter-ethnic and interreligious harmony.

45. It should also be recalled that non-State actors can have a positive role to play in preventing violence and can use their often significant influence to promote human rights in the environments in which they operate. Business enterprises, working in compliance with the Guiding Principles on Business and Human Rights and ensuring consultation with minorities can, for example, pursue their activities in a manner that minimizes negative impacts on minorities and their environments and can reduce the threat of violence.

I. Armed conflict

46. An already existing armed conflict constitutes a big risk for violence against certain minority groups although is not a precondition for it. In paragraph 12 of his report entitled "Responsibility to Protect: State responsibility and prevention" (A/67/929-S/2013/399), the Secretary-General stated

> Atrocity crimes are more likely to occur during armed conflict, especially internal armed conflict. Armed conflict is itself a source of risk for atrocity crimes, while atrocity crimes can also increase the risk of armed conflict. Not all armed conflict generates atrocity crimes and not all atrocity crimes occur within a context of armed conflict. What distinguishes atrocity crimes is the deliberate targeting of specific groups, communities or populations, including persons protected under the Geneva Conventions, and sometimes cycles of reaction and counter-reaction between communities.

47. In a context of armed conflict, the dynamics and evolution of the conflict may create a situation of extreme vulnerability of minorities, even for those not directly party to it, as has been the case in Iraq and the Syrian Arab Republic, where it resulted in targeted killing, mass displacement and a humanitarian crisis. Civilian populations frequently bear the greatest cost of conflict and minority civilians may be particularly vulnerable. In some cases, men may join or be forcibly recruited into armed factions or flee attacks, while women are left as heads of household, taking care of family members and property.

48. In December 2013, along with other independent United Nations experts, the Special Rapporteur urged all parties in the Central African Republic to call an immediate and unconditional halt to the violence in the country, much of which was targeting minorities.[23] In April 2014, along with the Special Rapporteur on the

[23] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14125&LangID=E.

human rights of internally displaced persons, the Special Rapporteur again voiced her grave concern over the situation of the mainly minority Muslim internally displaced persons in the Central African Republic and urged that minority rights protections be applied.[24] She stressed that the situation in the country was extreme and that saving lives must be a paramount concern.

V. Early warning and urgent response mechanisms

49. Violence against minorities may be difficult to predict and rapidly develop based on a particular event or trigger. However, in some cases warning signs are evident long before violence breaks out and opportunities exist to prevent it at an important early stage. What is essential is that early warning indicators lead to early action to avert violence. The Committee on the Elimination of Racial Discrimination has elaborated indicators relating to the threat of genocide. These and similar indicators can and should be used to identify lower-level risk of violence against minorities. Fifteen indicators were elaborated to assess the existence of factors known to lead to conflict and genocide (see A/60/18, chap. II), and can be summarized as follows:

- Lack of a legislative framework and institutions to prevent racial discrimination and provide recourse
- Denial of the existence of particular groups
- Systematic exclusion from positions of power, employment in State institutions and key professions
- Compulsory identification including the use of identity cards that indicate ethnicity
- Grossly biased versions of historical events
- Forced removal of children
- Policies of segregation
- Speech or propaganda that promotes hatred and/or incites violence against minority groups
- Statements that express support for the superiority of a race or an ethnic group, dehumanize and demonize minorities, or condone or justify violence
- Violence or severe restrictions targeting minority groups perceived to have traditionally maintained a prominent position
- Serious patterns of individual attacks on members of minorities
- Militia groups and/or extreme political groups established on the basis of racist platforms
- Significant flows of refugees and internally displaced persons belonging to ethnic or religious groups
- Disparities in socioeconomic indicators that evidence serious racial discrimination

[24] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14538&LangID=E.

- Prevention of delivery of essential services or assistance, targeting specific groups.

50. The Committee noted that the significance of the indicators for predicting genocide or violence against racial, ethnic or religious groups should be supplemented by additional general indicators on: (a) prior history of genocide or violence against a group; (b) policy or practice of impunity; (c) existence of proactive communities abroad fostering extremism and/or providing arms; and (d) presence of external mitigating factors, such as the United Nations or other recognized invited third parties.

51. The Special Adviser on the Prevention of Genocide has produced an analysis framework[25] which comprises eight categories of factors for determining the risk of genocide: inter-group relations, including a record of discrimination and/or other human rights violations committed against a group; circumstances that affect the capacity to prevent genocide; presence of illegal arms and armed elements; motivation of leading actors in the State/region, and acts which serve to encourage divisions among national, racial, ethnic and religious groups; circumstances that facilitate the perpetration of genocide (dynamic factors); genocidal acts; evidence of intent to destroy in whole or in part a national, ethnical, racial or religious group; and triggering factors.

52. According to the framework, triggering factors include: upcoming elections; a change of Government outside of an electoral or constitutionally sanctioned process; instances in which the military is deployed internally to act against civilians; commencement of armed hostilities; natural disasters; and increases in opposition capacity, which may be perceived as a threat and prompt pre-emptive action. The Special Rapporteur considers that these valuable indicators can also be applied effectively in situations in which violence may not constitute genocide. Indicators and early warning mechanisms must be employed in practice and lead to alarms being triggered and concrete action taken.

53. Failure to act on early warnings is not confined to the national level. In April 1993, the then Special Rapporteur on extrajudicial, summary or arbitrary executions visited Rwanda. His report, made public in August 1993 but not taken up by the Commission on Human Rights until the following March, warned that the targeting of ethnic Tutsis solely because they belonged to a specific ethnic group might constitute genocide. The international community failed to act on those warnings with tragic consequences.

54. The Representative of the Secretary-General on the human rights of internally displaced persons visited the Central African Republic in 2007 and noted that the security forces lacked capacity to protect the population. A security vacuum was also found by the Special Rapporteur on extrajudicial, summary or arbitrary executions who visited in 2008 and made a follow-up visit in 2010. He noted that villagers were increasingly organizing themselves into ad hoc self-defence groups and that ethnically motivated violence was on the rise. He stated that impunity for killings was pervasive.

55. In January 2009, the Special Representative of the Secretary-General on the human rights of internally displaced persons warned that military operations in the eastern part of the Democratic Republic of the Congo could result in violent

[25] www.un.org/en/preventgenocide/adviser/pdf/osapg_analysis_framework.pdf.

reprisals against the civilian population. Again, action was not taken and the reprisals occurred. In October 2009, in a press release issued after his visit to the Democratic Republic of the Congo,[26] the Special Rapporteur on extrajudicial, summary or arbitrary executions stated that alarm bells were ringing and called on the international community to take immediate preventative measures to avert further killings.

56. In view of the potentially important role of the special procedures in identifying well-grounded facts and signs of potential violence and mass atrocity crimes, the Special Rapporteur on minority issues recommends consideration of strengthened channels of communication and information exchange between special procedures and the General Assembly and the Security Council. Improved use of such procedures as Arria-formula meetings to report findings urgently and directly should be considered. In addition, further consideration should be given to measures to enable urgent engagement with all relevant regional and United Nations bodies and the Human Rights Council outside annual reporting schedules.

57. Civil society is also highly active in warning of and trying to prevent impending crises. In Kyrgyzstan, following the overthrow of President Bakiyev in April 2010, Minority Rights Group International warned that political tension could take on an ethnic character and result in an escalation of ethnic violence. In June, rioting broke out in Osh and Jalalabad with, according to the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE), groups of ethnic Kyrgyz attacking ethnic Uzbeks in a systematic manner: killing, looting and burning. Some 500 persons, mostly Uzbeks, were killed and 2,000 buildings were destroyed.

VI. Key elements of preventing violence against minorities

A. Understanding the status of and challenges for minorities

58. To prevent problems and tensions emerging or violence breaking out, it is essential that Governments be aware of the situation of minorities and any threats against them. Minorities are frequently underrepresented in government, public office and decision-making bodies, and consequently their issues and concerns are commonly neglected, misinterpreted or receive less attention than is required to protect their human rights. Dialogue, consultation with minorities and their participation in decision-making are essential principles of minority rights and help States to understand their experiences of discrimination, threats, harassment or acts of violence against them.

59. Accurate data can lead to effective solutions and help to prevent violence. The collection of data disaggregated by ethnicity, religion and geographical location, for example, allows accurate information on the size and situation of minorities and is an important resource. Such data allow the identification of inequalities among groups, lead to a greater understanding of the causes of inequalities, and allow effective solutions to be designed and implemented. Of legitimate concern to minorities, particularly those who have experienced violence, is that data are misused, resulting in their being targeted. Such fears are mitigated if processes fully comply with international standards on the protection and use of personal data.

[26] www2.ohchr.org/english/issues/executions/docs/PressStatement_SumEx_DRC.pdf.

60. A key element in preventing hate-motivated violent crime is to know about existing tensions and better understand what lies behind them. Understanding what inspires hatred, hate speech and its evolution into hate crime is a major challenge but is essential to effectively reducing the threat of violence from society. This requires constant engagement with minority and majority communities, leaders and associations to identify concerns and respond rapidly to situations of emerging tension. In some cases, tensions may be at such a level that relatively small incidents can spark wider violence.

61. Special attention should be given to the situation and perspectives of youth. Young people living in marginalized environments in which there are high levels of unemployment and poverty and education dropout rates, may be vulnerable to recruitment by violent and radical groups. Some community projects working with young adults have been successful in locations where violence has taken place, including in Jos in Nigeria and Srebrenica in Bosnia and Herzegovina. Such projects help to build understanding between young people from different or conflict-affected communities and reduce the risk of their becoming part of the circle of violence.

B. Implementing international human rights standards

62. Full compliance with international standards for equality, non-discrimination and minority rights as well as good and inclusive governance are vital factors in preventing conflict, violence directed towards minorities and atrocities committed against them. Full implementation of minority rights enables national, ethnic, religious and linguistic minorities to enjoy their rights in equality with others, including their economic, social and cultural rights. It also helps to create a general social environment of respect, understanding and acceptance of diversity that is conducive to the peaceful coexistence of different national, ethnic, religious and linguistic groups and that diminishes the threat of violence against any person or group.

63. While extreme nationalist, racist, xenophobic or radical elements may exist in any country, States which fully implement minority rights protections and legal, judicial and institutional safeguards are better placed to ensure that any illegal actions and incitement to acts of violence are prohibited and prosecuted according to the law. Hate-motivated activities are curtailed by legal prohibition and appropriate penalties and through a general societal rejection of them. The threat of prosecution and appropriate penalties is a major deterrent and preventative tool.

64. Good and inclusive governance and political will are paramount. Governments have the primary responsibility to prevent violence and the greatest capacity to deal with issues that might lead to violence, including hate speech and gross inequalities. They can lead efforts that involve numerous governmental and public bodies, including law enforcement bodies that are multisectoral and involve the participation of many different actors. An independent and efficient judiciary is key to ensuring timely accountability and to strengthening democracy and the rule of law.

C. Ensuring institutional attention to minority issues

65. The establishment of domestic legal protection for minority rights is an essential first step; however, legislative measures alone are not sufficient to protect minorities from violence. Ensuring institutional attention to minority issues

constitutes an essential measure to prevent violence, particularly in countries in which historical tensions and violence may have been evident. Dedicated institutional attention increases the Government's capacity to protect minorities in practice and to respond to situations that arise. It promotes engagement with minorities and enables threats to be identified and responded to at an early stage.

66. The establishment of specialized departments or units with responsibility for minority and inter-ethnic and interreligious issues in relevant ministries and within independent national human rights institutions can play a role in preventing violence. Such institutions should have a clear mandate, authority and an allocated budget to operate efficiently. Dedicated institutions, including staff from minorities and with expertise on minority issues, can take the lead in designing and implementing policy, mainstreaming attention to minority issues, monitoring the situation of minorities, establishing complaints mechanisms, promoting consultation, conducting research and investigating human rights abuses, threats and rights violations. In some situations, minority issues should be taken up at the highest government levels to ensure the adoption of adequate institutional and policy frameworks in order to manage diversity where tensions exist.

D. Strengthening security measures and law enforcement bodies

67. The threat of violence against minorities may be such that it requires an immediate operational security response in order to prevent imminent violence or to quickly respond to it. In some situations, a pattern of violent attacks can be identified which allows law enforcement bodies to better predict the occurrence of further attacks. It is the responsibility of the national authorities and law enforcement bodies to act decisively and appropriately. While it may be difficult to predict when or where violent incidents might take place, it must not be a justification for inaction; several concrete measures can be taken.

68. The establishment of mechanisms and processes to raise and respond to alarms is essential to preventing and stopping violence. Ensuring appropriate community liaison promotes trust and establishes and maintains strong and efficient channels of communication between communities and law-enforcement bodies. Identifying the individuals, communities or locations, community leaders or high profile places of worship or congregations that are most at risk is an important step. Increasing a visible security presence in key locations, including places of worship or nearby identified at-risk communities, is a deterrent to violence. In remote locations where there is a low presence of authorities, it may be necessary to establish a security presence to protect local communities.

69. The creation of community or neighbourhood watch and early warning mechanisms that enable at-risk communities to identify threats and quickly contact law enforcement authorities is another measure that has been put in place, including in Nigeria where violence and intercommunal tensions have been present. Having local "eyes and ears" to report potential incidents offers valuable, community-based, early warning potential, although it remains reliant on a rapid response by law enforcement bodies to alerts if it is to be effective.

70. In some situations, members of minority communities have testified that law enforcement bodies were present or informed at the time violence that took place but had failed to arrive or intervene. In the worst cases, victims reported that law

enforcement officers actively participated in violent attacks or colluded with the attackers. In other cases, law enforcement personnel might be poorly equipped or motivated, lack appropriate training or the appropriate command structure to respond to violence.

71. Careful consideration must be given to the training of law enforcement personnel and their ability to respond appropriately and effectively to violent situations, their ethnic or religious make-up, and their motivation. Often minorities are poorly represented in law enforcement bodies and have poor relations with them. Such bodies are largely made up of members of the majority or of certain ethnic or religious groups. As key protection actors, law enforcement personnel must be objective in their response to situations of possible or actual violence against any community. Nevertheless, even a small law enforcement presence can be critical in preventing or stopping violence.

72. Numerous positive practices can help to ensure that law enforcement bodies and officers act appropriately to protect minority communities, without prejudice. These include: initiatives to recruit and maintain personnel from minorities in law enforcement bodies, including at senior levels (e.g. the National Black Police Association in the United Kingdom of Great Britain and Northern Ireland and the Fraternal Association of European Roma Law Enforcement Officers, established in Budapest); deployment of ethnically and religiously mixed battalions to areas of intercommunal tension; training of law enforcement personnel in human and minority rights with specific attention to understanding communities and territories to which they are deployed; introduction of community or proximity policing, in which law enforcement actors develop strong local relations with and knowledge of local conditions and at-risk communities; and establishment of independent oversight bodies.

73. In diverse societies, particularly those in which violence or conflict have previously existed, holistic, inclusive and proactive approaches to law enforcement incorporate such positive practices into a law enforcement and protection strategies. This helps to avoid reactive responses to violence that are frequently inadequate and come too late. Risk assessment methodologies incorporating analysis of past violent events, employed by law enforcement bodies, can enable authorities and others to assess the extent to which certain communities may face the threat of violence and to rapidly respond.

E. Enabling and supporting the operation of civil society

74. Civil society has a vital role to play in detecting the early signs of impending violence, alerting national and international bodies and taking local initiatives to counter it. Violence prevention efforts should not be left only to non-governmental organizations, however. Effective prevention benefits greatly from the full participation of diverse actors, including non-governmental organizations, human rights institutions, businesses, faith groups and community leaders, educational institutions and other stakeholders. Preparing the infrastructure for and promoting a culture of violence prevention necessarily involves many actors with different skills, powers and relationships.

75. Civil society has played an essential role in bringing issues of national concern to the attention of regional bodies and the United Nations. Too often, however, their

information is neglected or rejected by the State in question and does not lead to action or further investigation. In some cases, a practice of denial of allegations by minorities and those working on their behalf and an adversarial relationship between the State and civil society are evident and result in a failure to appropriately address issues and complaints at all levels. This may reflect a wider political stance on minority communities and their marginalized position. A culture of dialogue should replace a culture of distrust.

F. Cooperation with regional and international organizations

76. Regional organizations can have a significant role in preventing and responding to violence, including by engaging with States in a preventative, fact-finding or conflict-mediation capacity. Some regional organizations have practical tools dedicated to minority issues based on strong regional standards. The OSCE High Commissioner on National Minorities is devoted to conflict prevention and early warning of situations that pose a threat to minority communities. Strengthening the attention paid to minority issues by other regional bodies, including the African Commission on Human and Peoples' Rights and the Association of Southeast Asian Nations, which currently lack dedicated mechanisms to monitor the situation of minorities, is vital to regional-based violence prevention initiatives.

77. A coordinated crisis response involving regional and international organizations took place in the Democratic Republic of Congo. In 2008, the Southern African Development Community (SADC) deployed two teams on the ground to assess the situation of escalating violence in the country. In parallel, the International Conference on the Great Lakes Region initiated the creation of a United Nations intervention brigade, which was supported by SADC. In 2013, a comprehensive peace agreement, sponsored by the United Nations and containing specific measures to foster peace and stability in the region, was signed by the members of the International Conference.

VII. Promoting the responsibility to protect

78. The responsibility to protect is a concept of great significance in the protection of disadvantaged minorities from violence. The political will to prevent violence and protect vulnerable communities is an essential prerequisite. In some situations of violence, Governments lack the capacity to end it and must be assisted to do so; however, history demonstrates the central role that States have played in coordinating mass atrocities against minorities. The State, with its frequent domination by a single ethnic or religious group, control over security resources, national media, infrastructure and institutions, can be an efficient perpetrator of violence. Recent evidence also demonstrates that the State as perpetrator is not a matter of history but a modern-day reality.

79. The Secretary-General has laid out a three-pillar strategy for the implementation of the responsibility to protect (see A/63/677), drawn from paragraphs 138 and 139 of the 2005 World Summit Outcome. The first pillar emphasizes the primary responsibility of States to protect their populations by preventing genocide, war crimes, ethnic cleansing and crimes against humanity (atrocity crimes). The second highlights the commitment of the international community to assist States to meet their

obligations and to provide necessary support and capacity-building measures when a State is unable to meet its obligation to protect populations. Under the third pillar, the international community must use appropriate diplomatic, humanitarian and other means to protect populations from these crimes but must be prepared to take additional collective action to protect populations, in accordance with the Charter of the United Nations. The three pillars are not sequential and each pillar is of equal importance. They are also mutually reinforcing: while appointing a special envoy to a country to monitor a deteriorating situation is a response on its own, it is also a preventative tool as it might help to stop the violence from escalating.

80. Even countries with the political will to protect disadvantaged minorities may lack the capacity, expertise and mechanisms to respond appropriately. The Special Rapporteur considers that greater attention should be given under the second pillar to assisting States and providing technical cooperation and capacity-building in the area of minority issues, including training in minority rights and effective practices for the protection of minority rights, and in the management of diverse populations for officials, including law enforcement bodies and the judiciary.

81. Governments can be active perpetrators, that is, directly involved in the commission of crimes by means of security forces or mercenaries, or passive perpetrators, when they do not act to protect a group that is subjected to atrocities by non-State actors. When Governments fail, the international community must take adequate steps to stop violence and crime and hold those responsible accountable. There must be a preference for peaceful means: international diplomacy, negotiation and mediation, along with humanitarian assistance. If given consent, a United Nations peacekeeping operation must strive to bring to an end the deliberate action or inaction of the Government, and obtain credible guarantees that the Government will assume and/or resume its responsibility to protect.

82. If the Government manifestly demonstrates its refusal or inaction to stop the crimes, collective action should be urgently considered. Under the third pillar of the strategy for the implementation of the responsibility to protect, Member States have the responsibility "to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter of the United Nations, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (see A/66/874-S/2012/578, para. 2). Such collective action may include sanctions, embargoes and restrictions on cooperation. Ultimately, the use of force can be authorized by the Security Council. In situations in which there is an imminent or ongoing killing of civilian populations, measures must be established to enable appropriate and rapid intervention.

83. There are also promising intergovernmental initiatives. Global Action against Mass Atrocity Crimes is a State-led initiative to prevent mass atrocity crimes and focuses on prevention at the national and regional levels. It aims to support States engaged in preventing mass atrocity crimes and to assist those that are considering the development of preventative strategies. The initiative also serves as a platform for the exchange and dissemination of learning and good practice and works closely with some key civil society organizations.

84. International actors can confront significant challenges in retaining the essential support of a Government in delivering assistance while also responding to

serious rights violations. In Sri Lanka, the United Nations development and humanitarian branches were unable to fully address the United Nations political and human rights priorities. Failures identified included a United Nations system that lacked an adequate and shared sense of responsibility for human rights violations; an incoherent internal United Nations crisis-management structure which failed to conceive and executer a coherent strategy in response to early warnings and subsequent human rights and humanitarian law violations against civilians; the ineffective dispersal of United Nations Headquarters structures to coordinate United Nations action and to address international human rights and humanitarian law violations across several different United Nations Headquarters entities in Geneva and New York; a model for United Nations action in the field that was designed for a development rather than a conflict response; and inadequate political support from Member States as a whole.[27]

85. The Sri Lanka experience contributed to the development of the Secretary-General's "Rights up front" initiative which seeks to ensure better organizational preparedness to meet the challenges of safeguarding human rights and protecting civilians in complex crises.

VIII. Essential elements of post-violence responses and transitional justice

86. Essential to immediate post-violence responses and the prevention of further violence is the provision of full assistance to affected communities, including humanitarian assistance, the institution of appropriate security measures to ensure protection, and a full and independent investigation of incidents of violence. Such measures must be urgently implemented, where necessary with the assistance of regional bodies and the international community where the capacity of governments is inadequate or where they are implicated as perpetrators of violence. In the short term, dialogue with communities is vital to understanding the needs of affected communities and to building confidence. Measures to ensure the secure return to their homes of those displaced by violence must be undertaken at the earliest opportunity to avoid long-term displacement.

87. Accountability and tackling impunity for violent crimes are essential to ensuring justice and post-violence reconciliation. Transitional justice requires that the truth about the past be investigated and told, the provision of compensation for material and immaterial losses, the return to societal stability and the restoration of full respect for human rights. Perpetrators on all sides must be held accountable as a means of rebuilding societies damaged and fractured by violence and as a deterrent to further violence. Justice and accountability may be achieved in various ways, which can include truth, justice and reconciliation processes; commissions of inquiry; judicial processes; and incorporation of traditional forms of resolution and reconciliation. Such mechanisms have demonstrated an ability to begin a process of healing the wounds inflicted on communities and societies in such cases as Rwanda, South Africa and Northern Ireland.

[27] Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka. Available from www.un.org/News/dh/infocus/Sri_Lanka/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf.

88. Fact-finding and investigations commissions established at the earliest possible stage can play an essential role in stopping the escalation of further violence. States in which violence and/or atrocities targeted at minority groups have previously taken place should establish violence prevention and response policies and strategies that can rapidly be employed to avert the threat of renewed violence or can work in a wider policy context to prevent violence. Fostering community resilience and remembering and honouring the victims can help States to strengthen social cohesion and prevent atrocities from occurring again. The creation of museums and memorial places to pay tribute to the victims of all sides are important initiatives to that end.

89. In Colombia, the Office of the Ombudsman created an early warning and risk assessment system (Sistema de Alerta Temprana) to protect Afro-Colombian communities under threat. Under the system, community advocates deployed to areas in which the presence of authorities is weak identify and report on credible threats. Their alerts are assessed by security forces and civil institutions which determine if protection measures, including a military presence, bodyguards and relocations, are required. One of the concerns expressed is that not all threats are taken seriously and that some measures are imposed without full consultation.

90. In 2008, Kenya established the National Cohesion and Integration Commission, following ethnically-based violence after the 2007 elections. The Commission is entrusted with facilitating and promoting a Kenyan society whose values are harmonious and non-discriminatory, with the aim of achieving peaceful coexistence and integration. The Commission conducts activities to combat discrimination and enhance tolerance and management of diversity, and advises the Government in the promotion of harmony and peaceful coexistence.

IX. Conclusions and recommendations

91. **Protection of disadvantaged and vulnerable minority groups facing violence is required as much as ever. Continuing violent incidents suggest that only limited advances have been made in employing indicators, protection strategies and methodologies at the national, regional and international levels and that much remains to be done to protect vulnerable minority groups.**

92. **Violence has far-reaching impacts on individuals, communities and societies. The immediate impact may be death, injury, destruction of property, displacement and sexual violence against minorities. The longer-term impact on minorities, their enjoyment of human rights and fundamental freedoms and their relations with other groups in society may last for generations after incidents of violence.**

93. **Gross inequalities and persistent poverty are frequently elements in the complex social, economic and geopolitical equations which lead to conflict and violence. Discrimination is a cause and a consequence of inequality and poverty and, under certain circumstances, including where land and resources are scarce, results in communities made vulnerable to violence. Addressing inequality and promoting equitable societies are key conflict and violence prevention measures.**

94. **Predicting and preventing violence must not remain an academic exercise. Post-violence analysis has helped to develop indicators and improve the potential to raise alarms and trigger early warning mechanisms; however, analysis conducted after violence has begun means that the action taken is often too little and too late. The lessons of past atrocities must be put into practice when the warning signs are clear and, even when they are not, States must become more capable of responding to them.**

95. **The comprehensive implementation of minority rights, non-discrimination and equality standards constitutes an important foundation for the prevention of violence against minority communities and helps to establish the conditions for stability and harmonious relations among population groups. States should implement fully the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other regional and international standards.**

96. **Mechanisms to ensure dialogue, consultation and participation, the fundamental principles of minority rights, should be established to assist States in understanding the situations of minorities, their issues and concerns. Where violence has previously taken place, such mechanisms are particularly essential, including in post-conflict and post-violence reconciliation and peacebuilding processes.**

97. **Establishing institutions for the protection of minority rights and ensuring attention to minority rights within existing national and human rights institutions are essential violence prevention measures. Such institutional attention facilitates early warning and early response and the establishment of the appropriate policy frameworks and violence prevention strategies that are essential to the prevention of violence.**

98. **The Special Rapporteur considers that violence against minorities must constitute a high priority for States, regional bodies and the international community, as well as civil society. She notes that the seventh session of the Forum on Minority Issues, to be held in Geneva on 25 and 26 November 2014, will be dedicated to this issue and will provide an appropriate venue for stakeholders, including minorities, Member States, regional bodies, United Nations bodies and mechanisms, specialized agencies and civil society, to hold a dialogue on the subject and produce recommendations for presentation to the Human Rights Council.**